

BEFORE THE OFFICE OF THE STATE ENGINEER  
STATE OF COLORADO

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**APPLICATION FOR PARTY STATUS OF**

**CLIMAX MOLYBDENUM COMPANY**

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**IN THE MATTER OF THE PROPOSED PRODUCED WATER RULEMAKING  
BY THE OFFICE OF THE STATE ENGINEER PURSUANT TO HOUSE BILL  
09-1303, SECTION 3, AS CODIFIED AT § 37-90-137(7)(c), C.R.S.– PUBLIC  
HEARING SCHEDULED FOR DECEMBER 2, 2009**

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The above-captioned entity, by its undersigned counsel, hereby submits this Application for Party Status in this matter. This Application for Party Status is submitted through undersigned counsel for Climax Molybdenum Company (“Climax”) pursuant to Section 1.1.3.(D) of the Division of Water Resources Procedural Regulations. 2 CCR 402-5.

**I. PETITIONER**

Climax Molybdenum Company  
c/o Brian Nazareus  
Riley Carlock & Applewhite  
1999 Broadway, Suite 1800  
Denver, Colorado 80202  
Phone: 303-863-7500  
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Climax owns and operates the Henderson molybdenum mine in Clear Creek and Grand Counties, Colorado, and the Climax molybdenum mine in Summit and Lake Counties, Colorado. The outcome of this rulemaking may directly or indirectly impact Climax’s hardrock mining operations and activities.

## **II      SUMMARY OF INTERESTS**

Climax seeks Party Status in this rulemaking in order to clarify the applicability of the Proposed Rule to its hardrock mining interests, and to ensure that any adopted rule does not negatively impact those interests.

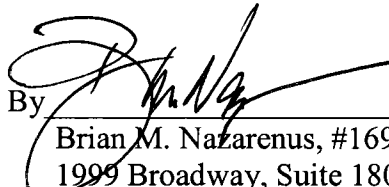
## **III.    GENERAL NATURE OF EVIDENCE TO BE PRESENTED**

Climax does not anticipate a presentation of evidence at this time, but requests to reserve the right to present relevant evidence should the need arise. Climax may propose alternative language for portions of the proposed rules at the appropriate time to address its concerns, and submit testimony to support such a proposal.

For the reasons stated herein, it is respectfully requested that Climax be granted Party Status in this proceeding.

Respectfully submitted this 25<sup>th</sup> day of September, 2009.

RYLEY CARLOCK & APPLEWHITE,

By   
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ATTORNEYS FOR  
CLIMAX MOLYBDENUM COMPANY

## **CERTIFICATE OF DELIVERY**

The undersigned certifies that on this 25th day of September, 2009, a true and correct copy of the foregoing **CLIMAX MOLYBDENUM COMPANY'S APPLICATION FOR PARTY STATUS** was e-mailed to [laura.kalafus@state.co.us](mailto:laura.kalafus@state.co.us).



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